

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,)

Plaintiff,)

vs.)

Case No.: 2:16-cv-1199-GMN-VCF

PUEBLO AT SANTE FE)

CONDOMINIUM ASSOCIATION, INC.;)

KEYNOTE PROPERTIES, LLC; and)

ALESSI & KOENIG, LLC;)

Defendants.)

ORDER

Pending before the Court is a Motion for Demand for Security of Costs (ECF No. 14) filed by Defendant Keynote Properties, LLC (“Defendant”), to which Plaintiff Bank of America, N.A. (“Plaintiff”) filed a Notice of Limited Non-Opposition (ECF No. 18). For the reasons set forth below, the Motion is granted.

The Ninth Circuit recognizes that “federal district courts have inherent power to require plaintiffs to post security for costs.” *Simulnet E. Assocs. v. Ramada Hotel Operating Co.*, 37 F.3d 573, 574 (9th Cir. 1994). Under Nevada law, “[w]hen a plaintiff in an action resides out of the State, or is a foreign corporation, security for the costs and charges which may be awarded against such plaintiff may be required by the defendant.” NRS § 18.130(1). “After the lapse of 30 days from the service of notice that security is required . . . upon proof thereof, and that no undertaking as required has been filed, the court or judge may order the action to be dismissed.” NRS § 18.130(4). It is the policy of the United States District Court for the District of Nevada to enforce the requirements of NRS § 18.130 in diversity actions. *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305–06 (D.

1 Nev. 1983); *Arrambide v. St. Mary's Hosp., Inc.*, 647 F. Supp. 1148, 1149 (D. Nev.
2 1986).

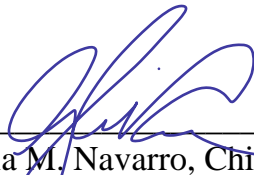
3 Because Plaintiff resides outside of Nevada (Compl. ¶ 2, ECF No. 1), the Court
4 finds that it is appropriate to require Plaintiff to post a security bond of \$500.00 in this
5 matter pursuant to NRS § 18.130.

6 **IV. CONCLUSION**

7 **IT IS HEREBY ORDERED** that the Motion for Demand for Security of Costs
8 (ECF No. 14) is **GRANTED**.

9 **IT IS FURTHER ORDERED** that Plaintiff must submit a bond pursuant to this
10 Order in the amount of \$500.00 as to Defendant. Failure to do so within thirty days of
11 the filing date of this Order shall constitute grounds for dismissal.

12 **DATED** this 26 day of October, 2016.

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16 Gloria M. Navarro, Chief Judge
17 United States District Court
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